



The Attorney General of Texas

December 17, 1981

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Mr. Charles D. Travis
Executive Director
Texas Parks and Wildlife
Department
4200 Smith School Road
Austin, Texas 78744

Open Records Decision No. 295

Re: Whether draft plan
concerning Matagorda Island is
available to the public under
the Open Records Act

Dear Mr. Travis:

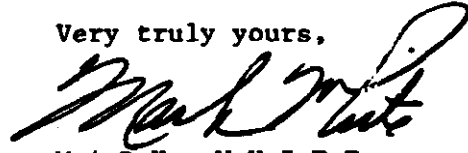
You have requested our decision under the Open Records Act, article 6252-17a, V.T.C.S., as to whether a draft plan concerning Matagorda Island is available to the public. The report, entitled "Matagorda Island Preliminary Conceptual Plan," was prepared by the Division of Special Studies and System Planning of the Texas Parks and Wildlife Department and was transmitted to the executive director of the department on August 3, 1981. The plan has not at this time been submitted to the Parks and Wildlife Commission. You suggest that it is excepted from disclosure under section 3(a)(11) of the Open Records Act, as:

inter-agency or intra-agency memorandums or
letters which would not be available by law to a
party other than one in litigation with the
agency.

Section 3(a)(11) is applicable to the extent that information in the report or memorandum consists of the advice, opinions and recommendations of employees or agents of the Parks and Wildlife Department. Other information therein is not excepted by section 3(a)(11). Attorney General Opinion H-436 (1976). In this instance, however, the small amount of "factual" information contained in the report is incidental to and so intertwined with the opinions and recommendations that we do not believe it is reasonably severable. See Open Records Decision No. 174 (1977); see also Open Records

Decision No. 110 (1975). In our opinion, the entire draft plan is excepted from public disclosure by section 3(a)(11) of the Open Records Act.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark White", written in a cursive style.

MARK WHITE
Attorney General of Texas

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APPROVED:
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